

Apache-Blast Site- Polk County

The location of the former Apache-Blast, Inc. facility is a promulgated State Superfund site under TCA 68-212-206(e). Further, the site is being cleaned up under an Administrative Order on Consent under Removal Authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Section 121(e) of CERCLA states:

(1) No Federal, State, or local permit shall be required for the portion of any removal or remedial action conducted entirely onsite, where such remedial action is selected and carried out in compliance with this section.

The EPA site is the Copper Basin Mining District including, lower North Potato Creek watershed, Davis Mill Creek watershed, and the Ocoee River to and including Parksville Reservoir.

Also, please see the following rule citation from the Tennessee Code/TITLE 68 HEALTH, SAFETY AND ENVIRONMENTAL PROTECTION /CHAPTER 212 HAZARDOUS WASTE MANAGEMENT /PART 2 HAZARDOUS WASTE MANAGEMENT ACT OF 1983 /68-212-222 :

68-212-222. Permit exemption - On site clean-up activities

No state or local permits shall be required for clean-up activities which are conducted entirely on site and in accordance with this part; provided, that such clean-up activities meet the standards that would apply if such permits were required.

[Acts 1989, ch. 321, § 9; T.C.A., § 68-46-222.]

Also, please see the following rule citation (specified above) from the Tennessee Code/TITLE 68 HEALTH, SAFETY AND ENVIRONMENTAL PROTECTION /CHAPTER 212 HAZARDOUS WASTE MANAGEMENT:

68-212-206. Powers and duties of commissioner.

(e) Whenever necessary to protect the public health, safety, or the environment, but at least annually, the commissioner shall propose and the board shall promulgate, in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, any necessary revisions to the list of those inactive hazardous substance sites within the state that are eligible for investigation, identification, containment, and clean up, including monitoring and maintenance, and that pose or may reasonably be anticipated to pose a danger to public health, safety or the environment. An inactive hazardous substance site which has been identified as a solid waste management unit and is

subjected to a requirement for investigation and/or for corrective action pursuant to § 3004(u) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6901, et seq.), and which requirements are included in a facility permit issued pursuant to RCRA shall not be proposed by the commissioner for addition to the list of sites eligible for investigation, identification, containment and clean up under this part. An inactive hazardous substance site listed under this part which subsequently becomes subject to a requirement, as previously described under § 3004(u) (42 U.S.C. § 6901, et seq.) shall be removed from the list by the board pursuant to a proposal which shall be made by the commissioner.

Presently remediation activities are being conducted at the Apache-Blast site. In conformance with the above listed regulations, the issuance of an air permit for the remediation of this site is not required.

Please contact Greg Forte at 615-532-0548 with any questions about this matter.